

REMARKS

After entry of the foregoing amendment, claims 7-16 are pending in the application. Claims 1-6 stand as withdrawn, per the Examiner's restriction requirement.

The specification has been amended to include reference to patent numbers and an application serial number that were not available at the time of filing.

The application serial number is of the priority application from which this application is a continuation. A revised Application Data Sheet reciting such priority information is also enclosed.

Applicants respectfully traverse the restriction requirement – it is not clear that the Office has met its prima facie burden of showing that the respective sets of claims are both independent and distinct. Moreover, even if the claims are independent and distinct, it is not evident that dividing the claims into 3 groups is required to avoid undue burden on the Office. Accordingly, withdrawal or modification of the restriction requirement is solicited.

With this traverse, Applicants confirm their provisional election of claims 7-16 (Group 3). If the restriction requirement is made final, Applicants will cancel the non-elected claims, and possibly amend the inventorship.

Claims 7-8, 10-11 and 13-16 stand rejected as anticipated by Moskowitz et al (5,822,432). Applicants respectfully traverse the rejection.

Moskowitz is understood to disclose, in the cited passage extending between col. 8, line 54 and col. 9, line 40, digitally watermarking content (e.g., audio) with information specifying terms of permitted use. Compliant equipment encountering such watermarked content would then use the content only in manners consistent with such specifications. Such equipment could exchange information with the source of such content, reporting on usage, etc. (e.g., for billing purposes).

Moskowitz is not understood to teach each element of the rejected claims. For example (and without limitation), Moskowitz is not understood to teach transmitting a packet of data (claims 7 and 10), any transmission of an identifier of the claimed watermark-related software program (claim 7), any transmission of address information identifying the claimed apparatus (claims 8 and 11), or any transmission of a context or environment identifier (claim 10).

Moreover, claim 13 (and 14 dependent thereon) calls from a system that is (1) *responsive* to watermark data sent from a remote client application to (2) *initiate* delivery of audio or video data. In contrast, Moskowitz's watermark information is understood to be delivered with the audio or video data. It is not involved in *initiating* such delivery in *response* to watermark data, as required by the claim.

Likewise for claim 15 (and 16 dependent thereon).

Claims 9 and 12 stand rejected under § 103 over Moskowitz, alone.

These rejections are traversed on the same grounds as the rejections of independent claims 7 and 10 from which they depend.

Moreover, while it is true that "the use of a router at a network server is well known in the art," this is not the limitation stated by the claim. And there is no teaching or suggestion cited from the art that would have led to an artisan modifying and extending the teachings of Moskowitz to provide for an arrangement like that stated in the claim. Rather, the rejection appears based on impermissible hindsight.

In view of the foregoing, favorable reconsideration is requested.

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Respectfully submitted,

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